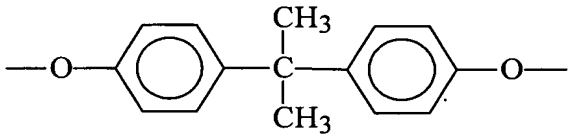
AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

1. (Currently Amended) A binder resin for toner comprising a polyester structure ~~consisting at least of~~ comprising a structure derived from carboxylic acid and a structure derived from alcohol, ~~characterized in that~~ wherein

[[it]] the polyester structure contains the structural unit of the following formula [I] in an amount of 1 mol% or less with respect to all the structural units derived from alcohol:



[I]

the content of tin is 5 ppm or less;

the content of an element selected from titanium, germanium and aluminum ranges from 10 ppm to 1500 ppm; and

the melting temperature is 110°C or higher.

2. (Currently Amended) The binder resin for toner according to claim 1, ~~characterized in that~~ wherein when the sum of all the structural units derived from carboxylic acid and of all the structural units derived from alcohol is taken to be 100 mol%, the resin comprises 0.1 to 10 mol% of a structural unit derived from isocyanate compound.

3. (Currently Amended) The binder resin for toner according to claim 1, ~~characterized in that it~~ wherein binder resin comprises 0 to 40% by mass of ~~the~~ THF-insoluble components and 100 to 60% by mass of ~~the~~ THF-soluble components.

4. (Currently Amended) The binder resin for toner according to claim 1, ~~characterized in that~~ wherein

at least 60 mol% of the structures derived from carboxylic acid comprise a structure derived from terephthalic acid,

at least 40 mol% of the structural units derived from alcohol comprise a structure derived from ethylene glycol, and

at least 75 mol% of the structural units derived from alcohol comprise structures derived from ethylene glycol and neopentyl glycol.

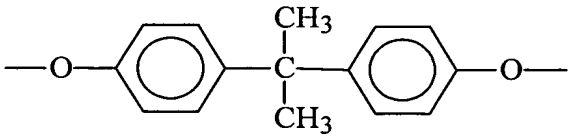
5. (Currently Amended) The binder resin for toner comprising a polyester structure ~~consisting at least of~~ comprising a structure derived from carboxylic acid and a structure derived from alcohol, ~~characterized in that it~~ wherein the binder resin is obtained

from 10 to 60% by mass of polyester resin (A) having an OH number of 30 to 90 KOH mg/g and glass transition temperature of 0 to 50°C, and

40 to 90% by mass of polyester resin (B) having an OH number of 10 KOH mg/g or less and a molecular weight of 1000 to 4000, and comprising at least 10 mol% of a structure derived from isophthalic acid, with respect to 100 mol% of all the units derived from the alcohol constituting the polyester, and

from polyvalent isocyanate;

the structural unit of the following formula ~~[1]~~ [I] constitutes 1 mol% or less of all the structural units derived from alcohol;



[I]

; and

the melting temperature is 110°C or higher.

6. (Currently Amended) The binder resin for toner according to claim 5, ~~characterized in that~~ wherein polyester (A) has a number-average molecular weight of 1000 to 4000 and comprises 2 to 20 mol% of structural units derived from polyvalent alcohol with a molecular valence of 3 or higher, with respect to 100 mol% of all the units derived from the alcohol constituting the polyester; and that polyester (B) has a glass transition temperature of 40 to 80°C.

7. (Currently Amended) [[The]] A toner ~~using~~ comprising the binder resin for toner described in claim ~~1 or claim~~ 5.

8. (New) A toner comprising the binder resin for toner described in claim 1.